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International Convention against
Apartheid in Sports

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MEETING OF THE STATES PARTIES
Eighth meeting, resumed
21 July 1992

Draft report of the States parties to the International Convention against Apartheid in Sports

[The Chairman held consultations with the members of the Bureau of the States parties on 17 July 1992. As a result of those consultations, the Chairman is submiting this draft report for approval by the States Parties.]

1. The States parties held an informal meeting on 29 January 1992. After that meeting, the Chairman requested the Secretariat to seek the opinion of the Legal Counsel on the status of the International Convention and the role of the Commission against Apartheid in Sports. The opinion of the Legal Counsel and the comments of the States parties on the subject have been circulated in document CAAS/SP/1992/L.2. On 10 June 1992, the States parties convened a meeting which was resumed on 21 July 1992, to consider the following.

2. The States parties discussed, in general terms, developments in South Africa, and how they related to the purposes of the Convention and its overall scope of application. The States parties confirmed the validity of the Convention and its purposes, and expressed the view that the Convention has contributed to bringing about a process of change to begin in South Africa. In that context, several States parties stressed that the Convention was applicable also with regard to any other potential case of apartheid. The importance of States parties submitting reports as required under article 12, paragraph 1 of the Convention was emphasized.

3. Modalities for holding a meeting of the Commission against Apartheid in Sports under the terms of article 14, paragraph 1 of the Convention were also discussed. A majority of the States parties reaffirmed the obligation under article 14, paragraph 1 of the Convention, that the Commission shall meet at least once a year and to this end it was suggested that the Commission should meet at United Nations Headquarters in New York in September 1992.

4. A number of the States parties, however, were of the view that such a meeting would not be appropriate for the following reasons: (a) the potentially positive developments in South Africa; and (b) the absence of any report as required under article 12, paragraph 1 of the Convention. These States parties therefore proposed the convening of a special meeting of the States parties under article 12, paragraph 4 which in their view would be more meaningful.

5. Taking this divergence of opinion into consideration, the Chairman, on 11 June 1992, decided to seek the opinion of the Legal Counsel regarding the reservations expressed above.

6. In this connection, the Legal Counsel has referred, in addition to article 14, paragraph 1, to article 10 of the Convention which commits States parties to use their best endeavours to ensure "universal compliance with the Olympic principle of non-discrimination and the provisions of the present Convention". Moreover, the Legal Counsel drew attention to article 12, paragraph 3 of the Convention which states that "The Commission shall examine, in particular, the implementation of the provisions of article 10 of the present Convention and make recommendations on action to be undertaken".

7. The Chairman informed the Bureau on 17 July 1992 that he had addressed a request to the States parties dated 10 July 1992 concerning the submission of reports under article 12, paragraph 1. The Chairman requested the Vice-Chairmen to discuss this with their respective geographical groups, as he would do the same with the African Group, to urge the States parties to submit their reports before the convening of the Commission in September 1992. It was also agreed at the meeting of the Bureau that the States parties may present oral statements or any other information during the meetings of the Commission.

8. In view of articles 10 and 14, the Legal Counsel's opinion was that the Commission's task is not limited to the examination of reports and that even if the Commission's only task had been to examine reports at its meetings, the meetings should still be held. The reason for this was that the objective of meetings of the Commission should not be frustrated because some States parties failed to submit reports. On the contrary, because the objectives of the Convention are being advanced by those States which took the trouble to submit reports, the meeting should be held as is required by the Convention.

9. After further consideration of this matter at the States parties' resumed meeting on 21 July 1992, a request was addressed to the Secretary-General as depository, to make arrangements for a meeting of the Commission during the first part of September 1992, provided sufficient funding under article 11, paragraph 7 or otherwise was made available.

10. In this regard, the Chairman of the States parties sought the approval of the States parties to appeal directly to the States parties seeking voluntary contributions to the budget of the Commission to meet expenses for the

members, as well as requesting those in a position to do so and whose nationals serve on the Commission, to assume responsibility for the expenses of their respective nationals in performance of their duties in the Commission.